



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

El Centro Field Office  
1661 So. 4<sup>th</sup> Street  
El Centro, CA 92243  
[www.blm.gov/ca/elcentro](http://www.blm.gov/ca/elcentro)



February 29, 2012

In Reply Refer to:  
CACA-052092  
CACA-052092  
2800(P)  
CA670

### DECISION

Centinela Solar Energy, LLC	:	Right-of-Way CACA-052092
Attn: James White	:	Right-of-Way CACA-052092-01
5000 Hopyard Road, Ste. 480	:	FLPMA
Pleasanton, CA 94588	:	

Right-of-Way Grant CACA-052092  
and CACA052092-01 Issued  
Rental Determined  
Monitoring Fee Determined  
Bond Determined

As authorized by the Secretary of Interior in the Decision Record dated December 28, 2011, enclosed is a copy of your right-of-way (ROW) grant, serial number CACA-052092 AND CACA-052902-01. This grant allows for the use of public land for the project area and any ancillary facilities associated with the Centinela Gen-tie line located on public lands. The grant was approved by the BLM on February 29, 2012.

The advance rental for the ROW is determined to be \$3,617.71 for the period from January to December 2012. BLM has received your advance rental for this period.

The monitoring fee for this ROW is determined to be a Category 6, which is covered within the terms and conditions of your existing cost recovery agreement project number 51010000.FX0000 LVRWB10B4290. The cost recovery account contains sufficient funds to cover monitoring construction during the initial construction phase of the ROW and no further action is required on your part at this time.

Based on the reclamation cost estimate for the Centinela gen-tie line, the required bond for this ROW is determined to be \$800,000. A notice to proceed to begin construction will not be issued until the proper bond is accepted by the Bureau of Land Management. You may submit either a personal bond (i.e., Cash or Treasury bill) or a surety bond from an acceptable insurance institution.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office, at the above address, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to IBLA and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

  
Mx Margaret L. Goodro  
Field Manager

Enclosures  
Form 1842- Appeals Form  
Right-of-Way Grant CACA-052092  
Right-of-Way Grant CACA-052092-01

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF  
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

Bureau of Land Management  
El Centro Field Office  
1661 S. 4th Street  
El Centro, CA 92243-4561

WITH COPY TO  
SOLICITOR...

Office of the Solicitor  
Pacific Southwest Region  
1800 Cottage Way, Room E1712  
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR.....

Office of the Solicitor  
Pacific Southwest Region  
1800 Cottage Way, Room E1712  
Sacramento, CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT

SERIAL NUMBER CACA - 52092

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1. As approved by the Decision Record for the Centinela Solar Energy project dated December 28, 2011, a right-of-way grant is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761 et seq.) and the Bureau of Land Management right-of-way regulations (43 CFR Part 2800) and amendments thereto.
2. Nature of Interest: Right-of-way grant for a transmission line connecting the Centinela Solar Energy facility to the Imperial Valley Substation.

1. By this instrument, the holder:

Centinela Solar Energy, LLC  
5000 Hopyard Road, Ste. 480  
Pleasanton, CA 94588

receives a right to construct, operate, maintain, and terminate a 230 kV double-circuit transmission line and associated access road on public lands described herein:

See attached legal description and map (Exhibit A).

- b. The instrument issued herein consists of a right-of-way grant for: (1) an above-ground 230 kV double circuit transmission line approximately 6,600 feet long and 125 feet wide, containing approximately 18.94 acres, more or less; and (2) those portions of an access road 20 feet wide, that are located inside and partially outside of the right-of-way described in subsection (1).

The right-of-way grant area granted herein encompasses approximately 18.94 acres, more or less.

- c. This instrument shall expire on December 31, 2040 unless, prior thereto, it is relinquished, abandoned, or terminated pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed by the Authorized Officer. The holder is required to submit an application for renewal at least 120 calendar days prior to the expiration date of this instrument. The Authorized Officer will review the application for renewal to ensure the holder is complying with the terms, conditions, and stipulations of this instrument and applicable laws and



regulations. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.

- e. Notwithstanding the renewal, expiration, relinquishment, abandonment, or termination of this instrument, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the renewal, expiration, relinquishment, abandonment, or termination of this authorization.
- f. The Authorized Officer retains the right of access to the lands included within the right-of-way at any time and may enter any facility on the right-of-way in accordance with 43 CFR 2805.15(a). The holder shall pay monitoring fees in accordance with 43 CFR 2805.16 for the reasonable costs incurred in the inspection and monitoring of construction, operation, maintenance, and decommissioning of the right-of-way.
- g. This instrument is issued subject to valid existing rights in accordance with 43 CFR 2805.14.

3. **Rental:**

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management the fair market value rental of the right-of-way, as determined by the Authorized Officer unless specifically exempted from such payment by law or regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in fair market value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices. The rental provisions of this authorization may also be modified consistent with the provisions of any regulatory changes or pursuant to the provisions of any new or revised statutory authorities.

The rental includes an annual base rent for the acreage of the public land included in the authorization. The base rent is due and payable upon the date of issuance of this instrument and will be paid on an annual basis consistent with the regulations. The base rent will be adjusted each year based on the Implicit Price Deflator-Gross Domestic Product (IPD-GDP) index.

4. **Bond:**

- a. A Performance and Reclamation bond, in the amount of **\$800,000** will be required from the holder to ensure compliance with the terms and conditions of this instrument. The bond must be maintained in effect until removal of improvements and restoration of the right-of-way has been accepted by the Authorized Officer. Acceptable bond instruments include cash, cashier's or certified check, certificate or book entry deposits, negotiable U.S. Treasury securities (notes, bills, or bonds) equal in value to the bond amount, surety bonds from the approved list of sureties (U.S. Treasury Circular 570) payable to the Bureau of Land Management (BLM), irrevocable letters of credit payable to the BLM issued by financial institutions that have the authority to

issue letters of credit and whose operations are regulated and examined by a federal agency, or a policy of insurance that provides BLM with acceptable rights as a beneficiary and is issued by an insurance carrier that has the authority to issue insurance policies in the applicable jurisdiction and whose insurance operations are regulated and examined by a federal or state agency. The Authorized Officer will not accept a corporate guarantee as an acceptable form of bond. The bond will be reviewed at the time of any assignment, modification, or renewal of this instrument. The Authorized Officer may increase or decrease the bond amount at any time during the term of the right-of-way authorization, consistent with the regulations.

- b. The holder agrees that any bond held as security for holder's performance of the terms and conditions of this instrument may, upon failure on the holder's part to fulfill any of the requirements herein set forth or made a part hereof, be retained by the United States to be applied as far as may be needed to the satisfaction of the holder's obligations assumed hereunder, without prejudice whatever to any other rights and remedies of the United States.
- c. Should the bond delivered under this instrument become unsatisfactory to the Authorized Officer, the holder shall, within 30 calendar days of demand, furnish a new bond. In the event of noncompliance with the terms and conditions of this instrument, the BLM will notify the holder that the surety or other bond instrument is subject to forfeiture and will allow the holder 15 calendar days to respond before action is taken to forfeit the bond and suspend or terminate the authorization.

**5. Terms and Conditions:**

- a. This instrument is issued subject to the holder's compliance with all applicable laws and regulations and, in particular, with the regulations contained in Title 43 Code of Federal Regulations Part 2800, including the terms and conditions required by 43 CFR 2805.12. Failure of the holder to comply with applicable laws or regulations or any terms, conditions, or stipulations of this instrument shall constitute grounds for suspension or termination thereof of this instrument in accordance with 43 CFR 2807.17 – 2807.19. The Authorized Officer may change the terms and conditions of this instrument as a result of changes in legislation, regulations, or as otherwise necessary to protect public health or safety or the environment in accordance with 43 CFR 2805.15(e).
- b. The right-of-way Stipulations (Exhibit B), attached hereto, are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.
- c. The holder shall perform all operations in a good and workmanlike manner, consistent with the approved Plan of Development, so as to ensure protection of the environment and the health and safety of the public. The Authorized Officer may order an immediate temporary suspension of operations, orally or in writing, in accordance with 43 CFR 2807.16 to protect public health or safety or the environment if the Authorized Officer determines that the holder has violated one or more of the terms, conditions, or stipulations of this instrument. An immediate temporary suspension order is effective until the holder receives a written Notice to Proceed from the Authorized Officer.

- d. The holder will not initiate any construction or other surface disturbing activities on the right-of-way without prior written authorization of the Authorized Officer. Such authorization will be a written Notice to Proceed (Form 2800-15) issued by the Authorized Officer or his/her delegated representative. Each Notice to Proceed will authorize construction or use and occupancy only as therein expressly stated and only for the particular location or use and occupancy therein described, i.e., a construction phase or site location. The Authorized Officer will issue a Notice to Proceed subject to such terms and conditions as deemed necessary when the design, construction, use, occupancy, and operation proposals are in conformity with the terms and conditions of this instrument.
- e. The holder shall start construction within 12 months after issuance of a Notice to Proceed. The holder shall complete construction within the timeframes approved in the final Plan of Development.
- f. Failure of the holder to comply with any diligent development provision of this instrument may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.17 - 2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the timelines in the approved Plan of Development.
- g. Upon termination by the Authorized Officer or expiration of this instrument, all improvements shall be removed from the public lands within 180 calendar days or otherwise disposed of as provided for in the approved Plan of Development, or as directed by the Authorized Officer.
- h. This instrument shall, at a minimum, be reviewed by the Authorized Officer at the end of the 10th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that this instrument may be reviewed at any time deemed necessary by the Authorized Officer in accordance with the regulations.
- i. This instrument may be assigned consistent with the regulations, but all assignments are subject to approval by the Authorized Officer. In addition, the qualifications of all assignees must comply with the requirements of the regulations. A partial assignment of this instrument shall not be approved if such action would hinder the Authorized Officer's management of the authorization or the associated public lands.
- j. Upon the request of the Authorized Officer, the holder shall provide access to environmental, technical, and financial records, reports, and other information related to construction, operation, maintenance, and decommissioning of the right-of-way. Any information marked confidential or proprietary will be kept confidential to the extent allowed by law. Failure of the holder to cooperate with such request, provide data, or grant access to such records, reports, and



information may, at the discretion of the Authorized Officer, result in suspension or termination of the right-of-way grant in accordance with the regulations.

- k. The holder shall not initiate any construction or other surface disturbing activities as a minor change to the right-of-way or Plan of Development without prior written approval of the Authorized Officer, or his delegate. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment. All Conformance Requests will be documented and tracked to ensure the acreages of disturbance affected by post-authorization conformance changes remain within the limits of impacts analyzed in the EA and approved in the Decision Record and ROW.

IN WITNESS WHEREOF, The undersigned agree to the terms, conditions, and stipulations of this right-of-way grant.

Centinela Solar Energy, LLC  
by S.W. G.  
(Signature of Holder)

Vice President  
(Title)

2/24/12  
(Date)

Mona J. Pale  
(Signature of Authorized Officer)

Acting Field Manager  
(Title)

2/29/2012  
(Effective Date of Grant)

Attachments

Exhibit A: Legal Description and Map

Exhibit B: Stipulations

Exhibit C: Errata

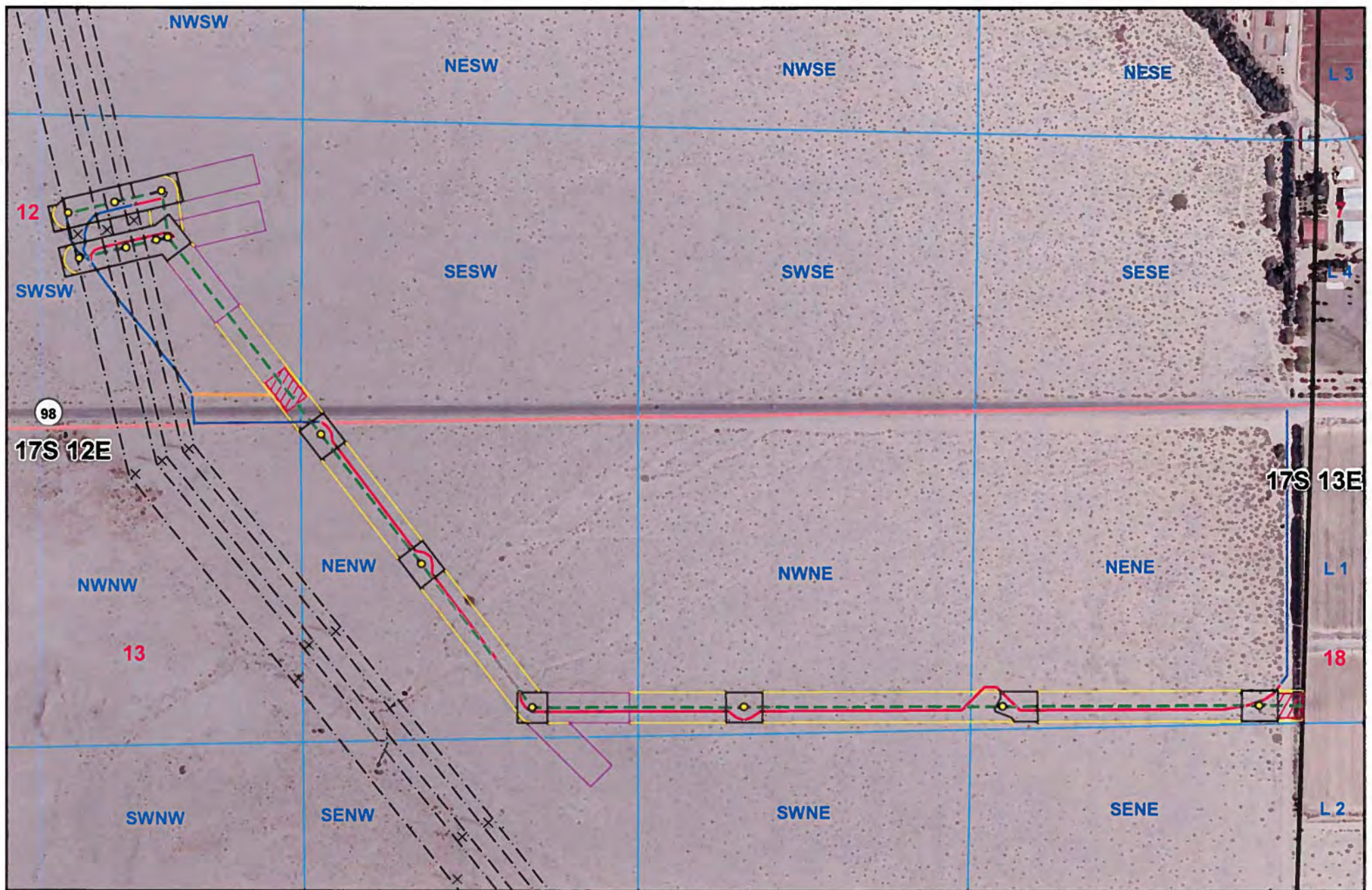


**EXHIBIT A**

**LEGAL DESCRIPTION AND MAP**

*Below is the legal description for the lands affected by the right-of-way grant.*

San Bernardino Meridian  
Township 17 South, Range 12 East,  
Section 12, SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Section 13, N $\frac{1}{2}$ N $\frac{1}{2}$ .



# **Legend**

— Gen-tie Centerline  
 ● Gen-tie Structures  
 Permanent ROW- 125'

□ Tower Construction Pad  
 □ Pulling & Tensioning Site  
 Temporary Guard Structure

**Transmission**  
 Existing 230 kV  
 Existing Structures

**Access Roads**  
 Use Existing  
 New Bladed Road  
 Temporary Bladed Road



0 400 800  
 Feet

**POD Map Set**  
 Centinela Solar Energy  
 Alternative 3

Revised: February, 2012

Page 1 of 1



## EXHIBIT B

## Terms and Conditions

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development, as amended or supplemented by written approval of the Authorized Officer, which shall incorporate the Centinela Solar Energy Decision Record. Any surface disturbing activity, additional construction, or use that is not in accordance with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved Plan of Development, shall be made available on the right-of-way area during construction, operation, and decommissioning. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health or safety or the environment.
2. The Holder shall fund in accordance with 43 CFR 2805.16 a third party Compliance and Inspection Program as deemed necessary by the Authorized Officer to ensure compliance with the terms and conditions of this right-of-way and applicable laws and regulations. The holder shall designate a representative (third party Compliance and Inspection Program Lead) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
3. The holder will be liable for all fire suppression costs resulting from fires caused during construction, operations, or decommissioning. The Holder shall comply with all guidelines and restrictions imposed by agency fire control officials.
4. Prior to ground disturbing activities, an individual(s) shall be designated and approved by the BLM as a Designated Archaeologist and Designated Paleontologist (i.e. Principal Investigator[s]). A Principal Investigator will be designated for the period during which on-going construction and post-construction monitoring and reporting by an approved archaeologist is required per the terms of this grant, such as post construction restoration activities. Each successive Principal Investigator will require approval by the BLM's Authorized Officer.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on its behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
6. Unless otherwise agreed to in writing by the Authorized Officer, powerlines shall be constructed in accordance with standards outlined in the suggested practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications

or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

7. The holder shall protect all survey markers found within the right-of-way. Survey markers include, but are not limited to, Public Land Survey System line and corner markers, other property boundary line and corner markers, and horizontal and vertical geodetic monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where any of the above survey markers are obliterated or disturbed during operations, the Authorized Officer will determine how the marker is to be restored. The holder will be instructed to secure the services of a registered land surveyor or informed that an official survey will be executed by the Bureau of Land Management (BLM). All surveying activities will be in conformance with the Manual of Surveying Instructions and appropriate State laws and regulations. Surveys by registered land surveyors will be examined by the Authorized Officer and the BLM State Office Chief Cadastral Surveyor for conformance with the Manual of Surveying Instructions and State laws and regulations before being filed in the appropriate State or county offices of record. The holder shall be responsible for all administrative and survey costs.
8. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. A litter policing program shall be implemented by the holder which covers all roads and sites associated with the right-of-way.
9. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined by 43 CFR 2801.5 that will be used, produced, or transported on or within the right-of-way, or used in the construction, operation, maintenance, or decommissioning of the project or any of its facilities. "The holder agrees in accordance with 43 CFR 2807.12(e) to fully indemnify the United States against any liability arising from the release of any hazardous material on *or near the right-of-way in connection with the holder's use and occupancy of the right-of-way, whether or not the release is authorized under the grant.* This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
10. Within 120 calendar days of completion of construction, the holder will submit to the Authorized Officer as-built drawings and a certification of construction verifying that the facility has been constructed in accordance with the design, plans, specifications, and applicable laws and regulations.
11. The Authorized Officer may require common use of the right-of-way, including subsurface and air space, and authorize use of the ROW for compatible uses. The holder may not charge for the use of the lands made subject to such additional ROW grants.
12. Upon discovery of human remains in California, all work in the area must cease immediately. Nothing is to be disturbed and the area is to be secured. The County Coroner's Office of the county where the



suspected remains were located must be called. The appropriate land manager/owner or the site shall also be called and informed of the discovery.

If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene.

The Coroner will determine if the bones are historic/archaeological or modern.

#### **Modern Remains**

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

#### **Archaeological Remains**

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or American Graves Protection and Repatriation Act of 1990 (NAGPRA). If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.

13. A restoration plan that includes revegetation with native species shall be submitted and approved by the BLM prior to termination of the ROW. Appropriate site-specific vertical mulching techniques and contouring will be used where conditions vary. Salvaged native plants shall be used for re-vegetation, if appropriate, along with seeding using BLM-recommended seed mixes. Preferably, seed shall be planted between the months of November and January following transmission line construction. Seed shall be planted using drilling, straw mulching or hydro-mulching as directed and approved by the BLM.
14. Prior to the beginning of construction, Holder must provide a weed management plan, to be approved by BLM, which will be developed and implemented. The weed management plan will include a discussion of specific weeds identified on site that will be targeted for eradication or control as well as a variety of measures that will be undertaken to prevent the introduction and spread of new weed species as a result of the project. General measures to prevent the spread of weeds include:
  - a. Limiting disturbance areas during construction to the minimum area to perform work and limiting ingress and egress to defined routes.
  - b. Maintaining vehicle wash and inspection stations, and closely monitoring the types of materials brought onto the site to minimize the potential for weed introduction.
  - c. Use of certified weed free mulch, straw wattles, hay bales and seed mixes.

- d. Reestablishing native vegetation as quickly as practicable on disturbed sites after construction has concluded; and
  - e. Monitoring and rapid implementation of control measures to ensure early detection and eradication for new weed invasions.
15. Prior to ground disturbing activities, an individual shall be approved by the BLM as a Designated Biologist (i.e. field contact representative). A Designated Biologist will be present during on-going construction and post-construction monitoring and will prepare a report as required by this grant, such as during annual reporting on habitat restoration. Each successive Designated Biologist will require approval by the BLM's Authorized Officer.

The Designated Biologist will have the authority to ensure compliance with the conservation measures for the Flat-Tailed Horned Lizard (FTHL) and will be the primary agency contact for the implementation of these measures. The Designated Biologist will have the authority and responsibility to halt activities that are in violation of the conservation measures. A detailed list of responsibilities for the Designated Biologist is summarized below. To avoid and minimize impacts to biological resources, the Designated Biologist will:

- a. Notify BLM's Authorizing Officer at least 14 calendar days before initiating ground disturbing activities;
  - b. Immediately notify BLM's Authorized Officer in writing if the Project Holder is not in compliance with any conservation measures, including but not limited to any actual or anticipated failure to implement conservation measures within the time periods specified; and
  - c. Conduct compliance inspections at a minimum of once per month during on-going construction after clearing, grubbing, and grading are completed, and submit a monthly compliance report to BLM's Authorized Officer until construction is complete.
16. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) will be delineated with stakes and flagging prior to construction activities. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the flagged areas. To the extent possible, surface disturbance will be timed to minimize mortality to FTHL (see Term#20 below).
17. Approved biological monitor(s) will assist the Designated Biologist in conducting pre-construction surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, decommissioning, and restoration activities. The biological monitor(s) shall have experience conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, be able to identify FTHL scat, and be able to identify and follow FTHL tracks. The Designated Biologist will submit the resume, at least three references, and contact information of the proposed biological

monitors to the BLM for approval. To avoid and minimize impacts to biological resources, the Biological Monitors will assist the Designated Biologist with the following:

- a. Be present during construction (e.g., grubbing, grading, solar panel installation) activities that take place in potential FTHL habitat to avoid or minimize take of FTHL. Activities include, but are not limited to, ensuring compliance with all impact avoidance and minimization measures, monitoring for FTHLs and removing lizards from harm's way, and checking avoidance areas (e.g., washes) to ensure that signs and stakes are intact and that human activities are restricted in these avoidance zones.
  - b. At the end of each work day, inspect all potential wildlife pitfalls (trenches, bores and other excavations) for wildlife and then backfill. If backfilling is not feasible, all trenches, bores, and other excavations will be contoured at a 3:1 slope at the ends to provide wildlife escape ramps, or completely and securely covered to prevent wildlife access;
  - c. During construction, examine areas of active surface disturbance periodically, at least hourly, when surface temperatures exceed 29°Celsius (C; 85°F) for the presence of FTHL.
18. FTHLs will be removed from harm's way during all construction activities, per conservation measure #19 below. FTHL removal will be conducted by two or more biological monitors when construction activities are being conducted in suitable FTHL habitat. To the extent feasible, methods to find FTHLs will be designed to achieve a maximal capture rate and will include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort will be 30 minutes per 0.40 ha (30 minutes per 1 ac). Persons that handle FTHLs will first obtain all necessary permits and authorization from the CDFG. FTHL removal surveys will also include:
- a. A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the Flat Tailed Horned-Lizard Rangewide Management Strategy, will be completed. During construction, quarterly reports describing FTHL removal activity, per the reporting requirements described in Conservation Measure #1 above, will be submitted to the BLM.
19. The removal of FTHLs out of harm's way will include relocation to nearby suitable habitat in low-impact areas of the Yuha MA (e.g., away from roads and solar panels). Relocated FTHLs will be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24° Celsius (C) 75° Fahrenheit (F) or exceed 38°C (100° F), the Designated Biologist or biological monitor, if authorized, will hold the FTHL for later release. Initially, captured FTHLs will be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards will be held at temperatures between 75° F and 90° F and will not be exposed to direct sunlight. Release will occur as soon as possible after capture and during daylight hours. The Designated Biologist or biological monitor will be allowed reasonable judgment and discretion when relocating lizards to maximize survival of FTHLs found in the Project area.



20. To the maximum extent practicable, grading in FTHL habitat will be conducted during the active season, which is defined as March 1 through September 30, or if ground temperatures are between 24°C (75° F) and 38 °C (100° F). If grading cannot be conducted during this time, any FTHLs found will be removed to low-impact areas (see above) where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).
21. The Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) a FTHL Status Report before and after construction completion, which will include, at a minimum:
- a. A general description of the status of the project site;
  - b. A copy of the table in the Project biological monitoring report with notes showing the current implementation status of each conservation measure;
  - c. An assessment of the effectiveness of each completed or partially completed measure in avoiding and minimizing project impacts;
  - d. A completed a Project Reporting Form from the Flat-tailed Horned Lizard Rangewide Management Strategy (RMS) (ICC 2003);
  - e. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and
  - f. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
22. The Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) an annual FTHL Status Report for the life of the project, which will include, at a minimum:
- a. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and
  - b. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
23. Speed limits along all transmission access roads and facilities and within potential FTHL habitat will not exceed 15 miles per hour. The frequency of transmission line access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
24. Temporarily disturbed areas associated with transmission line construction and staging areas, will be revegetated according to a Habitat Restoration Plan (HRP) approved by the BLM. The HRP must be approved in writing by the aforementioned agency prior to the initiation of any vegetation disturbing activities. Restoration involves recontouring the land, replacing the topsoil (if it was collected), planting



seed and/or container stock, and maintaining (i.e., weeding, replacement planting, supplemental watering, etc.), and monitoring the restored area for a period of 5 years (or less if the restoration meets all success criteria).

25. Prior to the start of construction, a BLM-approved *Raven Control Plan* shall be prepared and implemented that details specific measures for storage and disposal of all litter and trash produced by employees. This plan is designed to discourage scavengers that may also prey on wildlife in the vicinity.
26. Prior to the start of construction, a *Wildlife Mortality Reporting Program* shall be prepared and implemented to identify and report any dead or injured animals observed by personnel conducting O&M activities along the transmission line, solar energy and ancillary facilities of the Centinela Solar Energy project. An appropriate reporting format for dead or injured wildlife observed along the transmission line will be developed in coordination with the BLM and the United States Fish and Wildlife Service (USFWS) prior to the start of construction. In addition, reporting of any dead or injured avian species found along the transmission line will follow the existing USFWS Bird Fatality/Injury Reporting Program (<https://birdreport.fws.gov/>).
27. An *Avian and Bat Protection Plan* (ABPP) shall be approved by BLM as a condition of the Notice to Proceed. The ABPP shall specify measures to avoid direct and indirect impacts to avian and bat species, to include migratory birds, that could result from ground-disturbing activities associated with the construction of the solar energy and ancillary facilities, transmission line structures and spur roads and the staging and laydown areas of the Centinela Solar Energy project, as well as operations-related conditions, such as collisions with equipment.
28. Prior to the start of construction, a worker environmental awareness program (WEAP) will be developed and established for all employees and any subcontractors of Centinela Solar Energy and made available in both English and Spanish. Wallet-sized cards summarizing this information will be provided to all construction, operation, and maintenance personnel. The education program will include the following aspects:
  - a. Provide instruction on sensitive species identification.
  - b. Measures to avoid contact, disturbance, and injury.
  - c. Reporting procedures in the case of dead and/or injured wildlife species.
  - d. Biology and status of the FTHL.
  - e. Protection measures designed to reduce potential impact to the species.
  - f. Function of flagging designating authorized work areas,
  - g. Reporting procedures to be used if a FTHL is encountered in the field, and driving procedures and techniques, for commuting to, and driving on, the Project site, to reduce mortality of FTHL on roads.
  - h. BLM shall be notified per approved guidelines and channels of authority if mortality should occur.
29. If initial grading and construction within the right-of-way site takes place during the raptors' breeding season of February 1 to July 15, a qualified biologist shall conduct a pre-construction clearance survey

for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission towers) that occurs within 500 feet of the ROW boundary survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.

30. If not previously performed, or later determined by BLM to be necessary, a paleontological field survey and subsequent monitoring activities shall be in accordance with the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources." Field surveys are to be performed prior to any surface disturbing activities. Before conducting field surveys, the project location shall be as final as possible and any staking of the location shall be complete. Surveys shall be conducted by a BLM-permitted consulting paleontologist hired by the holder.
  - a. Field surveys must be performed by the Principal Investigator or an approved Field Agent or Field Monitor (as defined in the following section) as authorized under a Paleontological Resource Use Permit. Field surveys and collections performed as a mitigation measure are not intended to be scientific research studies, but are meant to identify, avoid, or recover paleontological resources to prevent damage or destruction from project activities. However, proper scientific techniques and procedures must be utilized during all mitigation efforts. Safety should be an important consideration; therefore, surveys should not be attempted on cliff faces, in open, non-reinforced trenches deeper than five feet, or other unsafe areas.
  - b. At the start of field work, the consulting paleontologist (paleontologist) must contact the Paleontology Coordinator in each affected Field Office who may require a visit to that office.
  - c. Surveys must be performed only during times when the ground is visible. Biological timing restrictions, such as critical nesting or birthing times, may confine or delay field activities.
31. After completion of the paleontological field survey, the paleontologist must file a written report with the BLM and the designated repository. This report must summarize the results of the survey as well as appropriate geological and paleontological background information as described below. It should also include any recommendations for on-site monitoring or other mitigation. Submission of the report shall be done prior to the start of construction. On a case-by-case basis, approval to begin project activities may be granted for those portions of the project area noted to be less paleontologically sensitive prior to final approval of the report.
  - a. Reports of the general findings and the background information must be submitted to the BLM project manager or Authorized Officer (if appropriate), the Paleontology Lead or Regional Paleontologist, and each affected Field Office. Reports must include the information and details as specified on page 9 of Attachment 1 of the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources", as applicable.
  - b. Exact locations of fossil localities contained in these reports are considered sensitive and must not be included in any public document. The BLM locality form (8270-3) or equivalent, 1:24000 scale map

showing the localities, and any other information containing specific fossil locations may be bound separately or placed in a separate section to allow for preservation of confidential locality data. A copy of this confidential section must be submitted to the Paleontology Lead (in some cases, two copies may be required). A copy for each affected Field Office may be required. Another copy must be submitted to the official repository with the collected materials.

- c. BLM GPS recording and data standards must be used to report paleontological locality data. Existing USGS topographic maps are often based on the NAD27 standard, so locality data calculated from a map base must be converted before submission. Data must be recorded and reported with a mean error of +/- 12.5 meters or less, at a 95 percent confidence level. For small localities, data should be reported as point data. Larger polygonal localities should be reported using coordinates of a centroid and a description of the approximate size, or the key coordinate points of a bounding polygon. Linear features, such as roads or surveyed project boundaries, must be reported as line data. The 1:24000 scale map(s) accompanying the locality forms should graphically illustrate the locality, either as a point or an outline of the locality as appropriate, and be clearly labeled with the locality or field number.

- 32. Based on the paleontological field survey, the need for additional mitigation to protect paleontological resources shall be determined. The Authorized Officer, in consultation with Regional Paleontologist or the Paleontology Lead, shall analyze the Survey Report for survey findings and any mitigation recommendations. If no further mitigation is needed, the Authorized Officer will promptly notify the project proponent that there is no additional paleontological surveys or mitigation measures required, and the project may proceed pending any other approvals. The project file must be documented indicating acceptance of the survey report and identifying any additional mitigation requirements. If it is determined that additional mitigation efforts are needed to protect or preserve the paleontological resources, the project proponent will be notified as soon as possible. The Authorized Officer and/or the Paleontology Lead usually develop and approve the mitigation procedures or recommend a project be redesigned in consultation with the project proponent. Factors such as locality or specimen significance, economics, safety, and project urgency will be considered when developing mitigation measures. Additional mitigation measures shall be developed and implemented as timely as possible so as not to delay project actions.
- 33. Before starting any mechanized surface disturbing activities, the grantee's archaeological contractor shall conduct shovel tests for the presence of subsurface archaeological sites within the disturbance area. Tests shall be coordinated with the BLM and conducted by a BLM-permitted consulting archaeologist hired by the grantee. A Native American Tribal Monitor will be present throughout the completion of the subsurface testing as well.
- 34. Archaeological sites that can be protected from direct impacts, but are within 50 feet, including buffer areas, of proposed construction activities will be identified and labeled as Environmentally Sensitive Areas (ESAs). This includes both archaeological sites determined to be eligible for inclusion on the National Register of Historic Place (NRHP) and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.



35. The ESAs will be designated by marking the boundaries of sites with appropriate buffer zones (generally a buffer of 20 feet beyond the outer limits of the site, as demonstrated by surface and/or subsurface indications) using temporary fencing or other easily recognizable boundary defining materials.
  - i. These areas will be shown on the engineering plans for the project as off-limits to construction activities.
36. Once established, an ESA will define areas where construction can occur while preventing construction activities and damage to archaeological resources within the designated ESA.
37. ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.
38. Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.
39. The Holder will work with tribes to develop and implement a tribal monitoring program to provide representatives, designated by Indian tribes, the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for monitoring.
40. The Holder will develop procedures for archaeological monitoring, post-review discovery and unanticipated effects and submit to the BLM for review and consultation with consulting parties.
41. Within the six months of the start of construction, the Holder will develop and implement a Long Term Management Plan (LTMP), approved by BLM, for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.
42. The holder will arrange and attend preconstruction conference(s) prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way or specific construction phase of the right-of-way as specified by the Authorized Officer. The holder and/or his representatives will attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, will also attend this conference to review the stipulations of this authorization, including the Plan of Development, as applicable. The holder shall notify the Authorized Officer of the schedule for any preconstruction conference at least 10 calendar days in advance of the preconstruction conference or such timeframe as may be required by the Notice to Proceed.
43. The holder must comply with requests from the Authorized Officer to modify, adapt or initiate new project monitoring activities involving natural resources including but not limited to air, water and wildlife species that vary from or are in addition to those identified in the Plan of Development and/or right-of-way grant stipulations. The holder agrees to adhere to the monitoring data standards identified by the Authorized Officer. Compliance with such requests will ensure that project monitoring activities



involving natural resources support and are consistent with evolving standards and protocols identified by the BLM for long term monitoring of the impacts of the Bureau's solar energy program on the natural resources of affected public lands. In accepting this right-of-way grant, the holder recognizes the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant in accordance with 43 C.F.R. § 2805.15(a) to, among other things, conduct long-term monitoring activities involving natural resources.

44. This stipulation relates only to the establishment of the BLM compensation requirement. To mitigate for habitat loss of FTHL, the holder shall provide compensatory mitigation at a 6:1 ratio for impacts to 2.58 permanent acres and 4.5:1 for impact to 10.68 temporary acres as described in the final Plan of Development. The BLM 6:1 ratio and 4.5:1 ratio is developed in accordance with the FTHL Rangeland Management Strategy.

The Holder may satisfy this requirement independently, or may elect to satisfy the requirements of this mitigation measure by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF) in accordance with the following table (see below).

If the Holder elects not to utilize the REAT NFWF Account, they must assume the full financial responsibility for completing the required habitat enhancement projects within 2-years of the effective date of the ROW grant. The holder is also responsible for the long term maintenance and upkeep of installed projects and is required to obtain an appropriate authorization from the BLM, such as a right-of-way grant, prior to the installation and maintenance of installed projects. The maintenance shall occur for the duration of project impacts. The holder will be responsible for all costs associated with processing right-of-way applications for the enhancement projects. Failure of the holder to complete enhancement actions under this mitigation measure within the 2-year time frame will be grounds for suspension of the right-of-way.

If the REAT NFWF Account is used for the enhancement projects, the holder shall ensure funds are transferred into the account in accordance with the prescribed REAT NFWF table within 6 months to ensure enhancement projects can be implemented within the 2-year deadline.

Desert Renewable Energy  
 REAT<sup>1</sup> Biological Resource Compensation/Mitigation Cost Estimate<sup>2</sup> Breakdown  
 September 14, 2010

The purpose of this table is to describe estimated costs that may be associated with implementing off-site biological mitigation/compensation required by one or more of the REAT agencies.

	Task	Cost
1.	Land Acquisition	\$1000 per acre <sup>3</sup>
2.	Level 1 Environmental Site Assessment	\$3000 per parcel <sup>4</sup>
3.	Appraisal	\$5000 per parcel <sup>4</sup>
4.	Initial site work - clean-up, enhancement, restoration	\$250 per acre
5.	Closing and Escrow Costs – 2 transactions at \$2500 each; landowner to 3 <sup>rd</sup> party and 3 <sup>rd</sup> party to agency <sup>5</sup>	\$5000 for 2 transactions
6.	Agency costs to review and determine accepting land donation - includes 2 physical inspections; review and approval of the Level 1 ESA assessment; review of all title documents; drafting deed and deed restrictions; issue escrow instructions; mapping the parcels....	15% of land acquisition costs (#1) × 1.17 (17% of the 15% for overhead) <sup>6</sup>
	<b>SUBTOTAL for Acquisition &amp; Initial Site Work for Permittee-Directed and REAT-NFWF MOA Options</b>	<b>\$</b>
7.	Long-term Management and Maintenance (LTMM) - includes land management; enforcement and defense of easement or title (short and long term); region-wide raven management; monitoring....	\$1450 per acre <sup>7</sup>
	<b>REAT-NFWF MOA Mitigation Account Additions [only applicable if the REAT Mitigation Account is used for all or a portion of the mitigation]</b>	
8.	Biological survey for determining mitigation value of land (habitat based with species specific augmentation)	\$5000 per parcel <sup>4</sup>
9.	3 <sup>rd</sup> party administrative costs - includes staff time to work with agencies and landowners; develop management plan; oversee land transaction; organizational reporting and due diligence; review of acquisition documents; assembling acres to acquire....	10% of land acquisition cost (#1)
10.	Establish the project specific sub-account <sup>8</sup>	\$12,000
11.	Pre-proposal Modified RFP or RFP processing <sup>9</sup>	\$30,000
12.	NFWF management fee for acquisition & initial site work	3% of SUBTOTAL, & Tasks #8, #9
13.	NFWF management fee for LTMM	1% of LTMM
	<b>TOTAL for deposit into the REAT-NFWF MOA Project Specific Mitigation Sub-Account</b>	<b>\$</b>

1 Not all costs will apply to all REAT agency requirements. For example, some of the elements in this table are not intended to be used as a basis for prescribing security to meet obligations under the California Endangered Species Act.

2 All costs are best estimates as of summer 2010. This cost estimate table will be updated once per quarter, at a minimum. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required mitigation obligation. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation (MOA V.I.).

3 Generalized estimate taking into consideration a likely jump in land costs due to demand, and an 18-24 month window to acquire the land after agency decisions are made. If the agencies, developer, or 3<sup>rd</sup> party has better, credible information on land costs in the specific area where project-specific mitigation lands are likely to be purchased, that data overrides this general estimate. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

4 Parcel sizes may range from 1 acre to over 640 acres, plus. The 40 acre estimate is used for illustration purposes only. The general location of the land acquisition(s) will determine the generalized parcel size for determining project specific estimates.

5 Two transactions at \$2500 each: landowner to 3<sup>rd</sup> party; 3<sup>rd</sup> party to agency. The transactions will likely be separated in time. State agencies may or may not require this funding.

6 Always required for Federal agency donations. State agencies may or may not require cost to accept donations. SB 34 projects do not have to pay this fee

7 Estimate for purposes of calculating general costs. The general location and parcel size(s) of the land acquisition may also factor into the estimate. The actual long term management and maintenance costs will be determined using a Property Analysis Report (PAR) or a PAR-like assessment tailored to the specific acquisition.

8 Each renewable energy project will be a separate sub-account within the REAT-NFWF account, regardless of the number of required mitigation actions per project. If a project and its mitigation are phased, this fee is only applied when the project specific account is established and not charged again when additional funds are deposited with subsequent phases.

9 If determined necessary by the REAT agencies if multiple 3<sup>rd</sup> parties have expressed interest; for transparency and objective selection of 3<sup>rd</sup> party to carryout acquisition.

## Exhibit C

## ERRATA SHEET

Page 1 of the decision record for the Centinela Energy Project, dated December 28, 2012, inaccurately describes the project as being a single circuit electrical generation line as was analyzed in the selected alternative (Alternative 3) of the EIR/EA.

On page 2.0-134 of the EIR/EA for the Centinela Energy Project, alternative 3 is described generally as follows:

- Construction of a ring bus on private land
- Construction of two 230-kV electric lines on new double-circuit towers generally extending west from the Ring Bus to the Radial SDG&E line.
- An approximately 1.4 mile-long 230-KV electric line within the CSE facility site on private land on new single or double circuit towers

All portions of the EIR/EA addressing action alternatives analyze construction of two, not one, 230-kV electric lines. Only the decision record erroneously refers to one line.

Based on the description in the EIR/EA and the analysis therein, the page 1, paragraph 1, sentence 3 of the decision record for the Centinela Solar Project should read as follows:

*"The right-of-way grant for the Selected Alternative for the CSE Project is for the following project components on BLM-managed public lands:*

- (1) 18.94 acres ( ac) for construction, operation, maintenance, and decommissioning of an aboveground 230 kilovolt (kV) double circuit electrical generation line (gen-tie line) in an area 125 feet (ft) wide and 1.2 miles (mi) long within existing designated Utility Corridor "N"*

  
for Margaret L. Goodro  
Field Manager  
El Centro Field Office

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT**

Issuing Office

**El Centro Field Office**

Serial Number

CACA 52092-01

1. A ☒ right-of-way ☐ permit is hereby granted pursuant to:
- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
  - b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
  - c. ☐ Other (describe) \_\_\_\_\_

2. **Nature of Interest:**

By this instrument, the Holder: Centinela Solar Energy, LLC  
5000 Hopyard Road, Ste. 480  
Pleasanton, CA 94588

- a. receives a right to use and occupy temporary work areas associated with the construction of the transmission line and access road authorized under Serial Number CACA 52092. The temporary work areas are for use and occupancy only during construction and restoration of the disturbed lands. These areas include, but are not limited to, temporary access roads and work areas used for pull sites on public lands described as follows:  
  
San Bernardino Meridian  
Township 17 South, Range 12 East,  
Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Section 13, E $\frac{1}{2}$ NW $\frac{1}{4}$ .
- b. The temporary right-of-way grant area granted herein encompasses approximately 3.12 acres, more or less, outside. All temporary work areas shall be reclaimed to the satisfaction of the Authorized Officer within 120 days after the completion of construction of the transmission line.
- c. This instrument shall terminate on December 31, 2014, 3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may not be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the Holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, relinquishment, abandonment, or prior termination of the grant.



**3. Rental**

For and in consideration of the rights granted, the Holder agrees to pay the Bureau of Land Management fair market value rental as determined by the Authorized Officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

**4. Terms and Conditions**

- a. This grant is subject to all valid rights existing on the effective date of this grant. This grant is issued subject to the Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and all applicable statutes, and in particular with Title V of the Federal Land Policy and Management Act, 43 USC 1761.
- b. Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) and (4)(m), or as directed by the Authorized Officer.
- c. The stipulations, plans, maps, or designs set forth in Exhibits A (Maps) and B (Plan of Development), and the Centinela Solar Energy Decision Record are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
  - (1) The Plan of Development (POD), as well as revisions to the POD, must be approved in writing by the Authorized Officer before commencement of work.
  - (2) The Holder shall construct, operate, maintain, and terminate the transmission line and related facilities within this right-of-way in conformance with the approved POD, the Centinela Solar Energy Decision Record (DR), including all mitigation measures adopted therein, and other documents and/or permits as determined by the Authorized Officer. Any relocation, additional construction, or use that is not in accord with the approved POD shall not be initiated without the prior written approval of the Authorized Officer.
  - (3) The holder shall not initiate any construction or other surface disturbing activities as a minor change to the right-of-way or Plan of Development without prior written approval of the Authorized Officer, or representative. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

- a. Failure of the Holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- b. The Holder shall perform all operations in a workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- c. The Holder shall not initiate any construction on the right-of-way or permit areas without the prior written authorization of the Authorized Officer. Such authorization shall be a written Notice to Proceed (Form 2800-15, or other written notice) issued by the Authorized Officer or representative. Any Notice to Proceed shall authorize construction or other use only as therein expressly stated and only for the particular location(s) or use(s) therein described. A NTP will not be issued if the Authorized Officer finds that the Holder has failed to comply with any applicable local, state, and Federal ordinances, regulations, statutes, and laws, including compliance with the Clean Water Act's requirements governing discharges into navigable waters of the U.S., or that project emissions will exceed applicable General Conformity *de minimis* thresholds for activities associated with construction on BLM public lands.
- d. The Authorized Officer may modify, suspend, or terminate in whole or in part, a Notice to Proceed which has been issued when unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect public health or safety or the environment.
- e. A copy of the complete right-of-way grant, including all stipulations, approved POD, approved revisions, and applicable Notice to Proceed, shall be made available on the right-of-way area during construction to the Authorized Officer, or any employee of the Department of the Interior that has been delegated to exercise their authority with respect to this grant, or to any contractor designated by the BLM.
- i. The Holder shall provide for the safety of the public that may enter the right-of-way during construction. This includes, but is not limited to, barricades for open-trenches, and flagmen/women with communications systems.
- j. The Holder shall comply with all local, state, and Federal ordinances, regulations, statutes, and laws in construction, operation and maintenance of the project. In addition, the Holder shall comply with all requirements of other authorizing agencies for the project including obtaining Federal, state and local permits, licenses and approvals, including any required approvals pursuant to the Clean Water Act.
- k. There is reserved to the Authorized Officer the right to grant to third parties additional rights-of-way for compatible uses on, over, under, or adjacent to the land involved in this grant. The Holder will be notified and have an opportunity to comment on any applications for grants or authorizations to third parties to use the land covered by and adjacent to this grant.
- l. Ninety days prior to termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination activities.
- m. Noncompliance with any term or condition of this right-of-way grant will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- n. The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military

control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

- o. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- p. Before starting any mechanized surface disturbing activities, the grantee's archaeological contractor shall conduct shovel tests for the presence of subsurface archaeological sites within the disturbance area. Tests shall be coordinated with the BLM and conducted by a BLM-permitted consulting archaeologist hired by the grantee. A Native American Tribal Monitor will be present throughout the completion of the subsurface testing as well.

## 5. Definitions:

- a. **Holder** means any entity with a BLM right-of-way authorization.
- b. **Public lands** means any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through BLM, except lands located on the Outer Continental Shelf, and those held for the benefit of Indians, Aleuts, and Eskimos.
- c. **Right-of-Way** means the public lands authorized to be used or occupied pursuant to a right-of-way grant.
- d. **Right-of-Way Grant** means an instrument issued pursuant to Title V of the Federal Land Policy and Management Act authorizing the use of a right-of-way over, upon, under or through public lands for construction, operation, maintenance and termination of a project.
- e. **Plan of Development** is a plan developed by the Holder that sets forth in sufficient detail sequential events and site specific actions at given periods of time during construction and/or any surface disturbing activity so that the Authorized Officer may determine compliance with the terms and conditions of this grant or permit.



- f. **Authorized Officer** means any employee of the Department of the Interior to whom has been delegated the authority to perform the duties described in 43 CFR 2800 in respect to this grant.
- g. **Notice to Proceed (NTP):** Authorization to initiate construction activities associated with this grant.
- h. **Access Roads:** Roads on public lands constructed or used by Holder for ingress and egress to the transmission line system.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Centinel Solar Energy, LLC  
By: 

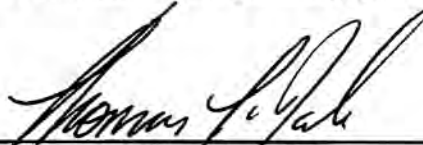
(Signature of Holder)

Vice President

(Title)

2/24/12

(Date)



(Signature of Authorized Officer)

Acting Field Manager

(Title)

2/29/2012

(Effective Date of Grant)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Issuing Office

El Centro Field Office

Serial Number

CACA 52092-01

**RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT**

1. A ☒ right-of-way ☐ permit is hereby granted pursuant to:
- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
  - b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
  - c. ☐ Other (describe) \_\_\_\_\_

2. **Nature of Interest:**

By this instrument, the Holder: Centinela Solar Energy, LLC  
5000 Hopyard Road, Ste. 480  
Pleasanton, CA 94588

- a. receives a right to use and occupy temporary work areas associated with the construction of the transmission line and access road authorized under Serial Number CACA 52092. The temporary work areas are for use and occupancy only during construction and restoration of the disturbed lands. These areas include, but are not limited to, temporary access roads and work areas used for pull sites on public lands described as follows:

San Bernardino Meridian  
Township 17 South, Range 12 East,  
Section 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Section 13, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

- b. The temporary right-of-way grant area granted herein encompasses approximately 3.12 acres, more or less, outside. All temporary work areas shall be reclaimed to the satisfaction of the Authorized Officer within 120 days after the completion of construction of the transmission line.
- c. This instrument shall terminate on December 31, 2014, 3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may not be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the Holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, relinquishment, abandonment, or prior termination of the grant.

### **3. Rental**

For and in consideration of the rights granted, the Holder agrees to pay the Bureau of Land Management fair market value rental as determined by the Authorized Officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

### **4. Terms and Conditions**

- a. This grant is subject to all valid rights existing on the effective date of this grant. This grant is issued subject to the Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and all applicable statutes, and in particular with Title V of the Federal Land Policy and Management Act, 43 USC 1761.
- b. Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) and (4)(m), or as directed by the Authorized Officer.
- c. The stipulations, plans, maps, or designs set forth in Exhibits A (Maps) and B (Plan of Development), and the Centinela Solar Energy Decision Record are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
  - (1) The Plan of Development (POD), as well as revisions to the POD, must be approved in writing by the Authorized Officer before commencement of work.
  - (2) The Holder shall construct, operate, maintain, and terminate the transmission line and related facilities within this right-of-way in conformance with the approved POD, the Centinela Solar Energy Decision Record (DR), including all mitigation measures adopted therein, and other documents and/or permits as determined by the Authorized Officer. Any relocation, additional construction, or use that is not in accord with the approved POD shall not be initiated without the prior written approval of the Authorized Officer.
  - (3) The holder shall not initiate any construction or other surface disturbing activities as a minor change to the right-of-way or Plan of Development without prior written approval of the Authorized Officer, or representative. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.



- a. Failure of the Holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- b. The Holder shall perform all operations in a workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- c. The Holder shall not initiate any construction on the right-of-way or permit areas without the prior written authorization of the Authorized Officer. Such authorization shall be a written Notice to Proceed (Form 2800-15, or other written notice) issued by the Authorized Officer or representative. Any Notice to Proceed shall authorize construction or other use only as therein expressly stated and only for the particular location(s) or use(s) therein described. A NTP will not be issued if the Authorized Officer finds that the Holder has failed to comply with any applicable local, state, and Federal ordinances, regulations, statutes, and laws, including compliance with the Clean Water Act's requirements governing discharges into navigable waters of the U.S., or that project emissions will exceed applicable General Conformity *de minimis* thresholds for activities associated with construction on BLM public lands.
- d. The Authorized Officer may modify, suspend, or terminate in whole or in part, a Notice to Proceed which has been issued when unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect public health or safety or the environment.
- e. A copy of the complete right-of-way grant, including all stipulations, approved POD, approved revisions, and applicable Notice to Proceed, shall be made available on the right-of-way area during construction to the Authorized Officer, or any employee of the Department of the Interior that has been delegated to exercise their authority with respect to this grant, or to any contractor designated by the BLM.
- i. The Holder shall provide for the safety of the public that may enter the right-of-way during construction. This includes, but is not limited to, barricades for open-trenches, and flagmen/women with communications systems.
- j. The Holder shall comply with all local, state, and Federal ordinances, regulations, statutes, and laws in construction, operation and maintenance of the project. In addition, the Holder shall comply with all requirements of other authorizing agencies for the project including obtaining Federal, state and local permits, licenses and approvals, including any required approvals pursuant to the Clean Water Act.
- k. There is reserved to the Authorized Officer the right to grant to third parties additional rights-of-way for compatible uses on, over, under, or adjacent to the land involved in this grant. The Holder will be notified and have an opportunity to comment on any applications for grants or authorizations to third parties to use the land covered by and adjacent to this grant.
- l. Ninety days prior to termination of the right-of-way, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination activities.
- m. Noncompliance with any term or condition of this right-of-way grant will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- n. The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military

control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

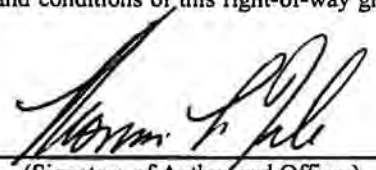
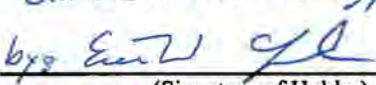
- o. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- p. Before starting any mechanized surface disturbing activities, the grantee's archaeological contractor shall conduct shovel tests for the presence of subsurface archaeological sites within the disturbance area. Tests shall be coordinated with the BLM and conducted by a BLM-permitted consulting archaeologist hired by the grantee. A Native American Tribal Monitor will be present throughout the completion of the subsurface testing as well.

## 5. Definitions:

- a. **Holder** means any entity with a BLM right-of-way authorization.
- b. **Public lands** means any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through BLM, except lands located on the Outer Continental Shelf, and those held for the benefit of Indians, Aleuts, and Eskimos.
- c. **Right-of-Way** means the public lands authorized to be used or occupied pursuant to a right-of-way grant.
- d. **Right-of-Way Grant** means an instrument issued pursuant to Title V of the Federal Land Policy and Management Act authorizing the use of a right-of-way over, upon, under or through public lands for construction, operation, maintenance and termination of a project.
- e. **Plan of Development** is a plan developed by the Holder that sets forth in sufficient detail sequential events and site specific actions at given periods of time during construction and/or any surface disturbing activity so that the Authorized Officer may determine compliance with the terms and conditions of this grant or permit.

- f. **Authorized Officer** means any employee of the Department of the Interior to whom has been delegated the authority to perform the duties described in 43 CFR 2800 in respect to this grant.
- g. **Notice to Proceed (NTP):** Authorization to initiate construction activities associated with this grant.
- h. **Access Roads:** Roads on public lands constructed or used by Holder for ingress and egress to the transmission line system.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

<u>Centinela Solar Energy, LLC</u>	<u></u>
<u>by: </u>	<u>(Signature of Authorized Officer)</u>
<u>(Signature of Holder)</u>	<u>ATTENDING FIELD MANAGER</u>
<u>Vice President</u>	<u>(Title)</u>
<u>(Title)</u>	<u>2/29/2012</u>
<u>2/24/12</u>	<u>(Effective Date of Grant)</u>
<u>(Date)</u>	



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT

SERIAL NUMBER CACA - 52092

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1. As approved by the Decision Record for the Centinela Solar Energy project dated December 28, 2011, a right-of-way grant is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761 et seq.) and the Bureau of Land Management right-of-way regulations (43 CFR Part 2800) and amendments thereto.
2. Nature of Interest: Right-of-way grant for a transmission line connecting the Centinela Solar Energy facility to the Imperial Valley Substation.
  1. By this instrument, the holder:

Centinela Solar Energy, LLC  
5000 Hopyard Road, Ste. 480  
Pleasanton, CA 94588

receives a right to construct, operate, maintain, and terminate a 230 kV double-circuit transmission line and associated access road on public lands described herein:

See attached legal description and map (Exhibit A).
  - b. The instrument issued herein consists of a right-of-way grant for: (1) an above-ground 230 kV double circuit transmission line approximately 6,600 feet long and 125 feet wide, containing approximately 18.94 acres, more or less; and (2) those portions of an access road 20 feet wide, that are located inside and partially outside of the right-of-way described in subsection (1).

The right-of-way grant area granted herein encompasses approximately 18.94 acres, more or less.
  - c. This instrument shall expire on December 31, 2040 unless, prior thereto, it is relinquished, abandoned, or terminated pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
  - d. This instrument may be renewed by the Authorized Officer. The holder is required to submit an application for renewal at least 120 calendar days prior to the expiration date of this instrument. The Authorized Officer will review the application for renewal to ensure the holder is complying with the terms, conditions, and stipulations of this instrument and applicable laws and

regulations. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.

- e. Notwithstanding the renewal, expiration, relinquishment, abandonment, or termination of this instrument, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the renewal, expiration, relinquishment, abandonment, or termination of this authorization.
- f. The Authorized Officer retains the right of access to the lands included within the right-of-way at any time and may enter any facility on the right-of-way in accordance with 43 CFR 2805.15(a). The holder shall pay monitoring fees in accordance with 43 CFR 2805.16 for the reasonable costs incurred in the inspection and monitoring of construction, operation, maintenance, and decommissioning of the right-of-way.
- g. This instrument is issued subject to valid existing rights in accordance with 43 CFR 2805.14.

**3. Rental:**

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management the fair market value rental of the right-of-way, as determined by the Authorized Officer unless specifically exempted from such payment by law or regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in fair market value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices. The rental provisions of this authorization may also be modified consistent with the provisions of any regulatory changes or pursuant to the provisions of any new or revised statutory authorities.

The rental includes an annual base rent for the acreage of the public land included in the authorization. The base rent is due and payable upon the date of issuance of this instrument and will be paid on an annual basis consistent with the regulations. The base rent will be adjusted each year based on the Implicit Price Deflator-Gross Domestic Product (IPD-GDP) index.

**4. Bond:**

- a. A Performance and Reclamation bond, in the amount of \$800,000 will be required from the holder to ensure compliance with the terms and conditions of this instrument. The bond must be maintained in effect until removal of improvements and restoration of the right-of-way has been accepted by the Authorized Officer. Acceptable bond instruments include cash, cashier's or certified check, certificate or book entry deposits, negotiable U.S. Treasury securities (notes, bills, or bonds) equal in value to the bond amount, surety bonds from the approved list of sureties (U.S. Treasury Circular 570) payable to the Bureau of Land Management (BLM), irrevocable letters of credit payable to the BLM issued by financial institutions that have the authority to

issue letters of credit and whose operations are regulated and examined by a federal agency, or a policy of insurance that provides BLM with acceptable rights as a beneficiary and is issued by an insurance carrier that has the authority to issue insurance policies in the applicable jurisdiction and whose insurance operations are regulated and examined by a federal or state agency. The Authorized Officer will not accept a corporate guarantee as an acceptable form of bond. The bond will be reviewed at the time of any assignment, modification, or renewal of this instrument. The Authorized Officer may increase or decrease the bond amount at any time during the term of the right-of-way authorization, consistent with the regulations.

- b. The holder agrees that any bond held as security for holder's performance of the terms and conditions of this instrument may, upon failure on the holder's part to fulfill any of the requirements herein set forth or made a part hereof, be retained by the United States to be applied as far as may be needed to the satisfaction of the holder's obligations assumed hereunder, without prejudice whatever to any other rights and remedies of the United States.
- c. Should the bond delivered under this instrument become unsatisfactory to the Authorized Officer, the holder shall, within 30 calendar days of demand, furnish a new bond. In the event of noncompliance with the terms and conditions of this instrument, the BLM will notify the holder that the surety or other bond instrument is subject to forfeiture and will allow the holder 15 calendar days to respond before action is taken to forfeit the bond and suspend or terminate the authorization.

**5. Terms and Conditions:**

- a. This instrument is issued subject to the holder's compliance with all applicable laws and regulations and, in particular, with the regulations contained in Title 43 Code of Federal Regulations Part 2800, including the terms and conditions required by 43 CFR 2805.12. Failure of the holder to comply with applicable laws or regulations or any terms, conditions, or stipulations of this instrument shall constitute grounds for suspension or termination thereof of this instrument in accordance with 43 CFR 2807.17 – 2807.19. The Authorized Officer may change the terms and conditions of this instrument as a result of changes in legislation, regulations, or as otherwise necessary to protect public health or safety or the environment in accordance with 43 CFR 2805.15(e).
- b. The right-of-way Stipulations (Exhibit B), attached hereto, are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.
- c. The holder shall perform all operations in a good and workmanlike manner, consistent with the approved Plan of Development, so as to ensure protection of the environment and the health and safety of the public. The Authorized Officer may order an immediate temporary suspension of operations, orally or in writing, in accordance with 43 CFR 2807.16 to protect public health or safety or the environment if the Authorized Officer determines that the holder has violated one or more of the terms, conditions, or stipulations of this instrument. An immediate temporary suspension order is effective until the holder receives a written Notice to Proceed from the Authorized Officer.



- d. The holder will not initiate any construction or other surface disturbing activities on the right-of-way without prior written authorization of the Authorized Officer. Such authorization will be a written Notice to Proceed (Form 2800-15) issued by the Authorized Officer or his/her delegated representative. Each Notice to Proceed will authorize construction or use and occupancy only as therein expressly stated and only for the particular location or use and occupancy therein described, i.e., a construction phase or site location. The Authorized Officer will issue a Notice to Proceed subject to such terms and conditions as deemed necessary when the design, construction, use, occupancy, and operation proposals are in conformity with the terms and conditions of this instrument.
- e. The holder shall start construction within 12 months after issuance of a Notice to Proceed. The holder shall complete construction within the timeframes approved in the final Plan of Development.
- f. Failure of the holder to comply with any diligent development provision of this instrument may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.17 - 2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the timelines in the approved Plan of Development.
- g. Upon termination by the Authorized Officer or expiration of this instrument, all improvements shall be removed from the public lands within 180 calendar days or otherwise disposed of as provided for in the approved Plan of Development, or as directed by the Authorized Officer.
- h. This instrument shall, at a minimum, be reviewed by the Authorized Officer at the end of the 10th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that this instrument may be reviewed at any time deemed necessary by the Authorized Officer in accordance with the regulations.
- i. This instrument may be assigned consistent with the regulations, but all assignments are subject to approval by the Authorized Officer. In addition, the qualifications of all assignees must comply with the requirements of the regulations. A partial assignment of this instrument shall not be approved if such action would hinder the Authorized Officer's management of the authorization or the associated public lands.
- j. Upon the request of the Authorized Officer, the holder shall provide access to environmental, technical, and financial records, reports, and other information related to construction, operation, maintenance, and decommissioning of the right-of-way. Any information marked confidential or proprietary will be kept confidential to the extent allowed by law. Failure of the holder to cooperate with such request, provide data, or grant access to such records, reports, and

information may, at the discretion of the Authorized Officer, result in suspension or termination of the right-of-way grant in accordance with the regulations.

- k. The holder shall not initiate any construction or other surface disturbing activities as a minor change to the right-of-way or Plan of Development without prior written approval of the Authorized Officer, or his delegate. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment. All Conformance Requests will be documented and tracked to ensure the acreages of disturbance affected by post-authorization conformance changes remain within the limits of impacts analyzed in the EA and approved in the Decision Record and ROW.

IN WITNESS WHEREOF, The undersigned agree to the terms, conditions, and stipulations of this right-of-way grant.

Centinela Solar Energy, LLC  
by: Eric J. [Signature]  
(Signature of Holder)

Vice President  
(Title)

2/29/12  
(Date)

[Signature]  
(Signature of Authorized Officer)

District Field Manager  
(Title)

2/29/2012  
(Effective Date of Grant)

Attachments

Exhibit A: Legal Description and Map

Exhibit B: Stipulations

Exhibit C: Errata

**EXHIBIT A**

**LEGAL DESCRIPTION AND MAP**

*Below is the legal description for the lands affected by the right-of-way grant.*

**San Bernardino Meridian**

**Township 17 South, Range 12 East,**

**Section 12, SW $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,**

**Section 13, N $\frac{1}{2}$ N $\frac{1}{2}$ .**





# **Legend**

— Gen-tie Centerline

● Gen-tie Structures

□ Permanent ROW- 125'

□ Tower Construction Pad

□ Pulling & Tensioning Site

▨ Temporary Guard Structure

## **Transmission**

— Existing 230 kV

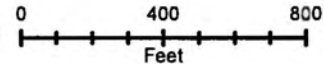
× Existing Structures

## **Access Roads**

— Use Existing

— New Bladed Road

— Temporary Bladed Road



**POD Map Set**  
Centinela Solar Energy  
Alternative 3

Revised: February, 2012

Page 1 of 1



## **EXHIBIT B**

## **Terms and Conditions**

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development, as amended or supplemented by written approval of the Authorized Officer, which shall incorporate the Centinela Solar Energy Decision Record. Any surface disturbing activity, additional construction, or use that is not in accordance with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved Plan of Development, shall be made available on the right-of-way area during construction, operation, and decommissioning. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health or safety or the environment.
2. The Holder shall fund in accordance with 43 CFR 2805.16 a third party Compliance and Inspection Program as deemed necessary by the Authorized Officer to ensure compliance with the terms and conditions of this right-of-way and applicable laws and regulations. The holder shall designate a representative (third party Compliance and Inspection Program Lead) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
3. The holder will be liable for all fire suppression costs resulting from fires caused during construction, operations, or decommissioning. The Holder shall comply with all guidelines and restrictions imposed by agency fire control officials.
4. Prior to ground disturbing activities, an individual(s) shall be designated and approved by the BLM as a Designated Archaeologist and Designated Paleontologist (i.e. Principal Investigator[s]). A Principal Investigator will be designated for the period during which on-going construction and post-construction monitoring and reporting by an approved archaeologist is required per the terms of this grant, such as post construction restoration activities. Each successive Principal Investigator will require approval by the BLM's Authorized Officer.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on its behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.
6. Unless otherwise agreed to in writing by the Authorized Officer, powerlines shall be constructed in accordance with standards outlined in the suggested practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications

or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

7. The holder shall protect all survey markers found within the right-of-way. Survey markers include, but are not limited to, Public Land Survey System line and corner markers, other property boundary line and corner markers, and horizontal and vertical geodetic monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where any of the above survey markers are obliterated or disturbed during operations, the Authorized Officer will determine how the marker is to be restored. The holder will be instructed to secure the services of a registered land surveyor or informed that an official survey will be executed by the Bureau of Land Management (BLM). All surveying activities will be in conformance with the Manual of Surveying Instructions and appropriate State laws and regulations. Surveys by registered land surveyors will be examined by the Authorized Officer and the BLM State Office Chief Cadastral Surveyor for conformance with the Manual of Surveying Instructions and State laws and regulations before being filed in the appropriate State or county offices of record. The holder shall be responsible for all administrative and survey costs.
8. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. A litter policing program shall be implemented by the holder which covers all roads and sites associated with the right-of-way.
9. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined by 43 CFR 2801.5 that will be used, produced, or transported on or within the right-of-way, or used in the construction, operation, maintenance, or decommissioning of the project or any of its facilities. "The holder agrees in accordance with 43 CFR 2807.12(e) to fully indemnify the United States against any liability arising from the release of any hazardous material on *or near the right-of-way in connection with the holder's use and occupancy of the right-of-way, whether or not the release is authorized under the grant.* This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
10. Within 120 calendar days of completion of construction, the holder will submit to the Authorized Officer as-built drawings and a certification of construction verifying that the facility has been constructed in accordance with the design, plans, specifications, and applicable laws and regulations.
11. The Authorized Officer may require common use of the right-of-way, including subsurface and air space, and authorize use of the ROW for compatible uses. The holder may not charge for the use of the lands made subject to such additional ROW grants.
12. Upon discovery of human remains in California, all work in the area must cease immediately. Nothing is to be disturbed and the area is to be secured. The County Coroner's Office of the county where the

suspected remains were located must be called. The appropriate land manager/owner or the site shall also be called and informed of the discovery.

If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene.

The Coroner will determine if the bones are historic/archaeological or modern.

#### **Modern Remains**

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

#### **Archaeological Remains**

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or American Graves Protection and Repatriation Act of 1990 (NAGPRA). If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.

13. A restoration plan that includes revegetation with native species shall be submitted and approved by the BLM prior to termination of the ROW. Appropriate site-specific vertical mulching techniques and contouring will be used where conditions vary. Salvaged native plants shall be used for re-vegetation, if appropriate, along with seeding using BLM-recommended seed mixes. Preferably, seed shall be planted between the months of November and January following transmission line construction. Seed shall be planted using drilling, straw mulching or hydro-mulching as directed and approved by the BLM.
14. Prior to the beginning of construction, Holder must provide a weed management plan, to be approved by BLM, which will be developed and implemented. The weed management plan will include a discussion of specific weeds identified on site that will be targeted for eradication or control as well as a variety of measures that will be undertaken to prevent the introduction and spread of new weed species as a result of the project. General measures to prevent the spread of weeds include:
  - a. Limiting disturbance areas during construction to the minimum area to perform work and limiting ingress and egress to defined routes.
  - b. Maintaining vehicle wash and inspection stations, and closely monitoring the types of materials brought onto the site to minimize the potential for weed introduction.
  - c. Use of certified weed free mulch, straw wattles, hay bales and seed mixes.



- d. Reestablishing native vegetation as quickly as practicable on disturbed sites after construction has concluded; and
  - e. Monitoring and rapid implementation of control measures to ensure early detection and eradication for new weed invasions.
15. Prior to ground disturbing activities, an individual shall be approved by the BLM as a Designated Biologist (i.e. field contact representative). A Designated Biologist will be present during on-going construction and post-construction monitoring and will prepare a report as required by this grant, such as during annual reporting on habitat restoration. Each successive Designated Biologist will require approval by the BLM's Authorized Officer.

The Designated Biologist will have the authority to ensure compliance with the conservation measures for the Flat-Tailed Horned Lizard (FTHL) and will be the primary agency contact for the implementation of these measures. The Designated Biologist will have the authority and responsibility to halt activities that are in violation of the conservation measures. A detailed list of responsibilities for the Designated Biologist is summarized below. To avoid and minimize impacts to biological resources, the Designated Biologist will:

- a. Notify BLM's Authorizing Officer at least 14 calendar days before initiating ground disturbing activities;
  - b. Immediately notify BLM's Authorized Officer in writing if the Project Holder is not in compliance with any conservation measures, including but not limited to any actual or anticipated failure to implement conservation measures within the time periods specified; and
  - c. Conduct compliance inspections at a minimum of once per month during on-going construction after clearing, grubbing, and grading are completed, and submit a monthly compliance report to BLM's Authorized Officer until construction is complete.
16. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) will be delineated with stakes and flagging prior to construction activities. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the flagged areas. To the extent possible, surface disturbance will be timed to minimize mortality to FTHL (see Term#20 below).
17. Approved biological monitor(s) will assist the Designated Biologist in conducting pre-construction surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, decommissioning, and restoration activities. The biological monitor(s) shall have experience conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, be able to identify FTHL scat, and be able to identify and follow FTHL tracks. The Designated Biologist will submit the resume, at least three references, and contact information of the proposed biological



monitors to the BLM for approval. To avoid and minimize impacts to biological resources, the Biological Monitors will assist the Designated Biologist with the following:

- a. Be present during construction (e.g., grubbing, grading, solar panel installation) activities that take place in potential FTHL habitat to avoid or minimize take of FTHL. Activities include, but are not limited to, ensuring compliance with all impact avoidance and minimization measures, monitoring for FTHLs and removing lizards from harm's way, and checking avoidance areas (e.g., washes) to ensure that signs and stakes are intact and that human activities are restricted in these avoidance zones.
  - b. At the end of each work day, inspect all potential wildlife pitfalls (trenches, bores and other excavations) for wildlife and then backfill. If backfilling is not feasible, all trenches, bores, and other excavations will be contoured at a 3:1 slope at the ends to provide wildlife escape ramps, or completely and securely covered to prevent wildlife access;
  - c. During construction, examine areas of active surface disturbance periodically, at least hourly, when surface temperatures exceed 29°Celsius (C; 85°F) for the presence of FTHL.
18. FTHLs will be removed from harm's way during all construction activities, per conservation measure #19 below. FTHL removal will be conducted by two or more biological monitors when construction activities are being conducted in suitable FTHL habitat. To the extent feasible, methods to find FTHLs will be designed to achieve a maximal capture rate and will include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort will be 30 minutes per 0.40 ha (30 minutes per 1 ac). Persons that handle FTHLs will first obtain all necessary permits and authorization from the CDFG. FTHL removal surveys will also include:
- a. A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the Flat Tailed Horned-Lizard Rangewide Management Strategy, will be completed. During construction, quarterly reports describing FTHL removal activity, per the reporting requirements described in Conservation Measure #1 above, will be submitted to the BLM.
19. The removal of FTHLs out of harm's way will include relocation to nearby suitable habitat in low-impact areas of the Yuha MA (e.g., away from roads and solar panels). Relocated FTHLs will be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24° Celsius (C) 75° Fahrenheit (F) or exceed 38°C (100° F), the Designated Biologist or biological monitor, if authorized, will hold the FTHL for later release. Initially, captured FTHLs will be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards will be held at temperatures between 75° F and 90° F and will not be exposed to direct sunlight. Release will occur as soon as possible after capture and during daylight hours. The Designated Biologist or biological monitor will be allowed reasonable judgment and discretion when relocating lizards to maximize survival of FTHLs found in the Project area.

20. To the maximum extent practicable, grading in FTHL habitat will be conducted during the active season, which is defined as March 1 through September 30, or if ground temperatures are between 24°C (75° F) and 38 °C (100° F). If grading cannot be conducted during this time, any FTHLs found will be removed to low-impact areas (see above) where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).
21. The Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) a FTHL Status Report before and after construction completion, which will include, at a minimum:
  - a. A general description of the status of the project site;
  - b. A copy of the table in the Project biological monitoring report with notes showing the current implementation status of each conservation measure;
  - c. An assessment of the effectiveness of each completed or partially completed measure in avoiding and minimizing project impacts;
  - d. A completed a Project Reporting Form from the Flat-tailed Horned Lizard Rangewide Management Strategy (RMS) (ICC 2003);
  - e. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and
  - f. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
22. The Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) an annual FTHL Status Report for the life of the project, which will include, at a minimum:
  - a. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and
  - b. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
23. Speed limits along all transmission access roads and facilities and within potential FTHL habitat will not exceed 15 miles per hour. The frequency of transmission line access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
24. Temporarily disturbed areas associated with transmission line construction and staging areas, will be revegetated according to a Habitat Restoration Plan (HRP) approved by the BLM. The HRP must be approved in writing by the aforementioned agency prior to the initiation of any vegetation disturbing activities. Restoration involves recontouring the land, replacing the topsoil (if it was collected), planting

seed and/or container stock, and maintaining (i.e., weeding, replacement planting, supplemental watering, etc.), and monitoring the restored area for a period of 5 years (or less if the restoration meets all success criteria).

25. Prior to the start of construction, a BLM-approved *Raven Control Plan* shall be prepared and implemented that details specific measures for storage and disposal of all litter and trash produced by employees. This plan is designed to discourage scavengers that may also prey on wildlife in the vicinity.
26. Prior to the start of construction, a *Wildlife Mortality Reporting Program* shall be prepared and implemented to identify and report any dead or injured animals observed by personnel conducting O&M activities along the transmission line, solar energy and ancillary facilities of the Centinela Solar Energy project. An appropriate reporting format for dead or injured wildlife observed along the transmission line will be developed in coordination with the BLM and the United States Fish and Wildlife Service (USFWS) prior to the start of construction. In addition, reporting of any dead or injured avian species found along the transmission line will follow the existing USFWS Bird Fatality/Injury Reporting Program (<https://birdreport.fws.gov/>).
27. An *Avian and Bat Protection Plan* (ABPP) shall be approved by BLM as a condition of the Notice to Proceed. The ABPP shall specify measures to avoid direct and indirect impacts to avian and bat species, to include migratory birds, that could result from ground-disturbing activities associated with the construction of the solar energy and ancillary facilities, transmission line structures and spur roads and the staging and laydown areas of the Centinela Solar Energy project, as well as operations-related conditions, such as collisions with equipment.
28. Prior to the start of construction, a worker environmental awareness program (WEAP) will be developed and established for all employees and any subcontractors of Centinela Solar Energy and made available in both English and Spanish. Wallet-sized cards summarizing this information will be provided to all construction, operation, and maintenance personnel. The education program will include the following aspects:
  - a. Provide instruction on sensitive species identification.
  - b. Measures to avoid contact, disturbance, and injury.
  - c. Reporting procedures in the case of dead and/or injured wildlife species.
  - d. Biology and status of the FTHL.
  - e. Protection measures designed to reduce potential impact to the species.
  - f. Function of flagging designating authorized work areas,
  - g. Reporting procedures to be used if a FTHL is encountered in the field, and driving procedures and techniques, for commuting to, and driving on, the Project site, to reduce mortality of FTHL on roads.
  - h. BLM shall be notified per approved guidelines and channels of authority if mortality should occur.
29. If initial grading and construction within the right-of-way site takes place during the raptors' breeding season of February 1 to July 15, a qualified biologist shall conduct a pre-construction clearance survey



for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission towers) that occurs within 500 feet of the ROW boundary survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.

30. If not previously performed, or later determined by BLM to be necessary, a paleontological field survey and subsequent monitoring activities shall be in accordance with the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources." Field surveys are to be performed prior to any surface disturbing activities. Before conducting field surveys, the project location shall be as final as possible and any staking of the location shall be complete. Surveys shall be conducted by a BLM-permitted consulting paleontologist hired by the holder.
  - a. Field surveys must be performed by the Principal Investigator or an approved Field Agent or Field Monitor (as defined in the following section) as authorized under a Paleontological Resource Use Permit. Field surveys and collections performed as a mitigation measure are not intended to be scientific research studies, but are meant to identify, avoid, or recover paleontological resources to prevent damage or destruction from project activities. However, proper scientific techniques and procedures must be utilized during all mitigation efforts. Safety should be an important consideration; therefore, surveys should not be attempted on cliff faces, in open, non-reinforced trenches deeper than five feet, or other unsafe areas.
  - b. At the start of field work, the consulting paleontologist (paleontologist) must contact the Paleontology Coordinator in each affected Field Office who may require a visit to that office.
  - c. Surveys must be performed only during times when the ground is visible. Biological timing restrictions, such as critical nesting or birthing times, may confine or delay field activities.
31. After completion of the paleontological field survey, the paleontologist must file a written report with the BLM and the designated repository. This report must summarize the results of the survey as well as appropriate geological and paleontological background information as described below. It should also include any recommendations for on-site monitoring or other mitigation. Submission of the report shall be done prior to the start of construction. On a case-by-case basis, approval to begin project activities may be granted for those portions of the project area noted to be less paleontologically sensitive prior to final approval of the report.
  - a. Reports of the general findings and the background information must be submitted to the BLM project manager or Authorized Officer (if appropriate), the Paleontology Lead or Regional Paleontologist, and each affected Field Office. Reports must include the information and details as specified on page 9 of Attachment 1 of the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources", as applicable.
  - b. Exact locations of fossil localities contained in these reports are considered sensitive and must not be included in any public document. The BLM locality form (8270-3) or equivalent, 1:24000 scale map



showing the localities, and any other information containing specific fossil locations may be bound separately or placed in a separate section to allow for preservation of confidential locality data. A copy of this confidential section must be submitted to the Paleontology Lead (in some cases, two copies may be required). A copy for each affected Field Office may be required. Another copy must be submitted to the official repository with the collected materials.

- c. BLM GPS recording and data standards must be used to report paleontological locality data. Existing USGS topographic maps are often based on the NAD27 standard, so locality data calculated from a map base must be converted before submission. Data must be recorded and reported with a mean error of +/- 12.5 meters or less, at a 95 percent confidence level. For small localities, data should be reported as point data. Larger polygonal localities should be reported using coordinates of a centroid and a description of the approximate size, or the key coordinate points of a bounding polygon. Linear features, such as roads or surveyed project boundaries, must be reported as line data. The 1:24000 scale map(s) accompanying the locality forms should graphically illustrate the locality, either as a point or an outline of the locality as appropriate, and be clearly labeled with the locality or field number.

- 32. Based on the paleontological field survey, the need for additional mitigation to protect paleontological resources shall be determined. The Authorized Officer, in consultation with Regional Paleontologist or the Paleontology Lead, shall analyze the Survey Report for survey findings and any mitigation recommendations. If no further mitigation is needed, the Authorized Officer will promptly notify the project proponent that there is no additional paleontological surveys or mitigation measures required, and the project may proceed pending any other approvals. The project file must be documented indicating acceptance of the survey report and identifying any additional mitigation requirements. If it is determined that additional mitigation efforts are needed to protect or preserve the paleontological resources, the project proponent will be notified as soon as possible. The Authorized Officer and/or the Paleontology Lead usually develop and approve the mitigation procedures or recommend a project be redesigned in consultation with the project proponent. Factors such as locality or specimen significance, economics, safety, and project urgency will be considered when developing mitigation measures. Additional mitigation measures shall be developed and implemented as timely as possible so as not to delay project actions.
- 33. Before starting any mechanized surface disturbing activities, the grantee's archaeological contractor shall conduct shovel tests for the presence of subsurface archaeological sites within the disturbance area. Tests shall be coordinated with the BLM and conducted by a BLM-permitted consulting archaeologist hired by the grantee. A Native American Tribal Monitor will be present throughout the completion of the subsurface testing as well.
- 34. Archaeological sites that can be protected from direct impacts, but are within 50 feet, including buffer areas, of proposed construction activities will be identified and labeled as Environmentally Sensitive Areas (ESAs). This includes both archaeological sites determined to be eligible for inclusion on the National Register of Historic Place (NRHP) and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.

35. The ESAs will be designated by marking the boundaries of sites with appropriate buffer zones (generally a buffer of 20 feet beyond the outer limits of the site, as demonstrated by surface and/or subsurface indications) using temporary fencing or other easily recognizable boundary defining materials.
  - i. These areas will be shown on the engineering plans for the project as off-limits to construction activities.
36. Once established, an ESA will define areas where construction can occur while preventing construction activities and damage to archaeological resources within the designated ESA.
37. ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.
38. Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.
39. The Holder will work with tribes to develop and implement a tribal monitoring program to provide representatives, designated by Indian tribes, the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for monitoring.
40. The Holder will develop procedures for archaeological monitoring, post-review discovery and unanticipated effects and submit to the BLM for review and consultation with consulting parties.
41. Within the six months of the start of construction, the Holder will develop and implement a Long Term Management Plan (LTMP), approved by BLM, for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.
42. The holder will arrange and attend preconstruction conference(s) prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way or specific construction phase of the right-of-way as specified by the Authorized Officer. The holder and/or his representatives will attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, will also attend this conference to review the stipulations of this authorization, including the Plan of Development, as applicable. The holder shall notify the Authorized Officer of the schedule for any preconstruction conference at least 10 calendar days in advance of the preconstruction conference or such timeframe as may be required by the Notice to Proceed.
43. The holder must comply with requests from the Authorized Officer to modify, adapt or initiate new project monitoring activities involving natural resources including but not limited to air, water and wildlife species that vary from or are in addition to those identified in the Plan of Development and/or right-of-way grant stipulations. The holder agrees to adhere to the monitoring data standards identified by the Authorized Officer. Compliance with such requests will ensure that project monitoring activities

involving natural resources support and are consistent with evolving standards and protocols identified by the BLM for long term monitoring of the impacts of the Bureau's solar energy program on the natural resources of affected public lands. In accepting this right-of-way grant, the holder recognizes the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant in accordance with 43 C.F.R. § 2805.15(a) to, among other things, conduct long-term monitoring activities involving natural resources.

44. This stipulation relates only to the establishment of the BLM compensation requirement. To mitigate for habitat loss of FTHL, the holder shall provide compensatory mitigation at a 6:1 ratio for impacts to 2.58 permanent acres and 4.5:1 for impact to 10.68 temporary acres as described in the final Plan of Development. The BLM 6:1 ratio and 4.5:1 ratio is developed in accordance with the FTHL Rangeland Management Strategy.

The Holder may satisfy this requirement independently, or may elect to satisfy the requirements of this mitigation measure by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF) in accordance with the following table (see below).

If the Holder elects not to utilize the REAT NFWF Account, they must assume the full financial responsibility for completing the required habitat enhancement projects within 2-years of the effective date of the ROW grant. The holder is also responsible for the long term maintenance and upkeep of installed projects and is required to obtain an appropriate authorization from the BLM, such as a right-of-way grant, prior to the installation and maintenance of installed projects. The maintenance shall occur for the duration of project impacts. The holder will be responsible for all costs associated with processing right-of-way applications for the enhancement projects. Failure of the holder to complete enhancement actions under this mitigation measure within the 2-year time frame will be grounds for suspension of the right-of-way.

If the REAT NFWF Account is used for the enhancement projects, the holder shall ensure funds are transferred into the account in accordance with the prescribed REAT NFWF table within 6 months to ensure enhancement projects can be implemented within the 2-year deadline.



**Desert Renewable Energy**  
**REAT<sup>1</sup> Biological Resource Compensation/Mitigation Cost Estimate<sup>2</sup> Breakdown**  
**September 14, 2010**

The purpose of this table is to describe estimated costs that may be associated with implementing off-site biological mitigation/compensation required by one or more of the REAT agencies.

	<b>Task</b>	<b>Cost</b>
1.	Land Acquisition	\$1000 per acre <sup>3</sup>
2.	Level 1 Environmental Site Assessment	\$3000 per parcel <sup>4</sup>
3.	Appraisal	\$5000 per parcel <sup>4</sup>
4.	Initial site work - clean-up, enhancement, restoration	\$250 per acre
5.	Closing and Escrow Costs – 2 transactions at \$2500 each; landowner to 3 <sup>rd</sup> party and 3 <sup>rd</sup> party to agency <sup>5</sup>	\$5000 for 2 transactions
6.	Agency costs to review and determine accepting land donation - includes 2 physical inspections; review and approval of the Level 1 ESA assessment; review of all title documents; drafting deed and deed restrictions; issue escrow instructions; mapping the parcels....	15% of land acquisition costs (#1) × 1.17 (17% of the 15% for overhead) <sup>6</sup>
	<b><i>SUBTOTAL for Acquisition &amp; Initial Site Work for Permittee-Directed and REAT-NFWF MOA Options</i></b>	<b>\$</b>
7.	Long-term Management and Maintenance (LTMM) - includes land management; enforcement and defense of easement or title (short and long term); region-wide raven management; monitoring....	\$1450 per acre <sup>7</sup>
	<b><i>REAT-NFWF MOA Mitigation Account Additions [only applicable if the REAT Mitigation Account is used for all or a portion of the mitigation]</i></b>	
8.	Biological survey for determining mitigation value of land (habitat based with species specific augmentation)	\$5000 per parcel <sup>4</sup>
9.	3 <sup>rd</sup> party administrative costs - includes staff time to work with agencies and landowners; develop management plan; oversee land transaction; organizational reporting and due diligence; review of acquisition documents; assembling acres to acquire....	10% of land acquisition cost (#1)
10.	Establish the project specific sub-account <sup>8</sup>	\$12,000
11.	Pre-proposal Modified RFP or RFP processing <sup>9</sup>	\$30,000
12.	NFWF management fee for acquisition & initial site work	3% of SUBTOTAL, & Tasks #8, #9
13.	NFWF management fee for LTMM	1% of LTMM
	<b><i>TOTAL for deposit into the REAT-NFWF MOA Project Specific Mitigation Sub-Account</i></b>	<b>\$</b>

1 Not all costs will apply to all REAT agency requirements. For example, some of the elements in this table are not intended to be used as a basis for prescribing security to meet obligations under the California Endangered Species Act.

2 All costs are best estimates as of summer 2010. This cost estimate table will be updated once per quarter, at a minimum. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required mitigation obligation. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation (MOA V.I.).

3 Generalized estimate taking into consideration a likely jump in land costs due to demand, and an 18-24 month window to acquire the land after agency decisions are made. If the agencies, developer, or 3<sup>rd</sup> party has better, credible information on land costs in the specific area where project-specific mitigation lands are likely to be purchased, that data overrides this general estimate. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

4 Parcel sizes may range from 1 acre to over 640 acres, plus. The 40 acre estimate is used for illustration purposes only. The general location of the land acquisition(s) will determine the generalized parcel size for determining project specific estimates.

5 Two transactions at \$2500 each: landowner to 3<sup>rd</sup> party; 3<sup>rd</sup> party to agency. The transactions will likely be separated in time. State agencies may or may not require this funding.

6 Always required for Federal agency donations. State agencies may or may not require cost to accept donations. 58 34 projects do not have to pay this fee

7 Estimate for purposes of calculating general costs. The general location and parcel size(s) of the land acquisition may also factor into the estimate. The actual long term management and maintenance costs will be determined using a Property Analysis Report (PAR) or a PAR-like assessment tailored to the specific acquisition.

8 Each renewable energy project will be a separate sub-account within the REAT-NFWF account, regardless of the number of required mitigation actions per project. If a project and its mitigation are phased, this fee is only applied when the project specific account is established and not charged again when additional funds are deposited with subsequent phases.

9 If determined necessary by the REAT agencies if multiple 3<sup>rd</sup> parties have expressed interest; for transparency and objective selection of 3<sup>rd</sup> party to carryout acquisition.



## Exhibit C

## ERRATA SHEET

Page 1 of the decision record for the Centinela Energy Project, dated December 28, 2012, inaccurately describes the project as being a single circuit electrical generation line as was analyzed in the selected alternative (Alternative 3) of the EIR/EA.

On page 2.0-134 of the EIR/EA for the Centinela Energy Project, alternative 3 is described generally as follows:

- Construction of a ring bus on private land
- Construction of two 230-kV electric lines on new double-circuit towers generally extending west from the Ring Bus to the Radial SDG&E line.
- An approximately 1.4 mile-long 230-KV electric line within the CSE facility site on private land on new single or double circuit towers

All portions of the EIR/EA addressing action alternatives analyze construction of two, not one, 230-kV electric lines. Only the decision record erroneously refers to one line.

Based on the description in the EIR/EA and the analysis therein, the page 1, paragraph 1, sentence 3 of the decision record for the Centinela Solar Project should read as follows:

*"The right-of-way grant for the Selected Alternative for the CSE Project is for the following project components on BLM-managed public lands:*

- (1) 18.94 acres ( ac) for construction, operation, maintenance, and decommissioning of an aboveground 230 kilovolt (kV) double circuit electrical generation line (gen-tie line) in an area 125 feet (ft) wide and 1.2 miles (mi) long within existing designated Utility Corridor "N"*

  
for Margaret L. Goodro  
Field Manager  
El Centro Field Office



